

BACKGROUND:

The project is a General Plan Amendment (GPA) to change the Official Land Use District from Multi-Family Residential, 7,000 S.F. of land per unit (7mRM) to Single Residential (RS) on 10.49 acres generally located between Live Oak Avenue and Beech Avenue south of Foothill Boulevard (State Highway / Route 66). The project site lies within the City of Fontana sphere of influence area, and is located less than a ¼ mile south of the Fontana City limits. The area of the GPA is currently composed of vacant parcels and scattered single family residences on large lots.

The applicant has filed a concurrent application for a Tentative Tract (TT 16337) on a 5.39 acre portion of the General Plan Amendment area. This is an infill project with proposed lots exceeding the minimum requirement for RS land uses (7,200 sq. ft.). It is consistent with similar developments adjacent to the GPA boundaries. The tentative tract site is vacant and disturbed. Although there is a cluster of trees found toward the eastern portion of the site, they are not considered significant resources. The site is nearly flat with a cross-slope of approximately +/-2.12%, falling from the high point located at the NEC of the site down to SWC and southern center portions of the property. Access to the Tract, Joshua Tree Court, is at a 90 degree angle off Yucca Avenue. It then makes a 90-degree right turn (eastbound) and parallels Yucca Avenue.

ANALYSIS:

Surrounding properties include small pockets of retail commercial uses that front onto the adjacent major highway (Foothill Blvd.) with a General Commercial Land Use District and existing single family residential development within a 7mRM land use district. The proposed tract will be buffered from the commercial properties to the north by a 6' high, decorative, concrete block wall.

To the south of the proposed project site is an older single-family residential development with scattered houses built during the past 5 decades. The applicant proposes a General Plan Amendment, Land Use District change that would largely coincide with the existing single family housing land uses that surround three sides of the project site. Combined with the adjacent RS districts the resulting GPA will be a total of 27.47 acres. The proposal is therefore consistent with the County General Plan goals and policies of encouraging residential in-fill development in areas where pockets of undeveloped land occur.

The project does not conflict with the County General Plan with respect to the loss of multi-family residential lands as there are sufficient, vacant, multiple residential lots in the immediate region that remain empty and available for future development of multi-family housing. Government Code Section 65863 requires a finding be made when there is "down zoning" that "the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584". The inventory of remaining sites is adequate to accommodate the County's share of the regional housing need, as set forth in Government Code Section 65863, hence this finding can be made in the affirmative.

The proposed tract has double frontage lots on the southern half of the development (Lots 15 through 24) with the rear of the lots fronting on Yucca Avenue. A ten (10') foot landscaped setback and a six foot (6'-0") high decorative wall is proposed at the rear of these lots. The site's perimeter will have a solid 6' concrete block wall.

The Planning Commission reviewed the original project on March 6, 2003, and denied the applications for GPA and Tentative Tract and recommended that the applicant include additional area in the General Plan amendment and make revisions to the tract. The applicant appealed the Commission's decision to the Board of Supervisors, however he later withdrew the appeal and the Commission's decision became final. The project before you reflects the revisions suggested by the Commission and staff.

An independent Initial Study has been completed in compliance with the California Environmental Quality Act (CEQA) that finds that the proposed project will not have any impacts that will remain potentially significant, after implementation of appropriate conditions of approval. Therefore, a Negative Declaration is recommended as the appropriate environmental action.

There were no letters received expressing opposition to this proposal during the review and comment period. Therefore, the Planning staff recommends approval of the proposed project.

FINDINGS – General Plan Amendment (GPA):

Pursuant to the County Development Code (§83.020110), prior to approving or recommending approval of a General Plan land use district change, the Planning Agency must determine that all of the required findings can be made in the affirmative. Per the discussion provided above, Staff finds that the following are true:

The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised because the district change is a logical extension of the existing RS land use district and represents an urban infill project. The project will increase the housing stock in the area.

The proposed land use district change will provide a reasonable and logical continuation of the surrounding lot size patterns, and is consistent with the goals and policies of the General Plan, as follows:

Goal D-43 – which encourages a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well-integrated land uses that meet general social and economic needs.

Goal D-48 – which encourages the distribution of land uses in such a way as to minimize the demand for energy consumption and maximize the effectiveness of energy consumed.

Goal –D54 – which encourages future growth in areas where infrastructure facilities and public services exist or can easily be provided or acquired and where other desired attributes of the land, such as open space, watershed areas and scenic resources, will not be adversely impacted.

Policy LU-7h – which requires that general plan amendments be consistent with the Infrastructure Improvement Levels designated for the subject sites.

Remaining multifamily residential sites identified in the Housing Element are adequate to accommodate the County's share of the regional housing need pursuant to Government Code Section 65584.

The proposed land use district change does not conflict with the provisions of the County Development Code, or any applicable planning area, as the subject site is already designated under Infrastructure Improvement Level 1 which is reserved for higher density single family residences on lot sizes less than one-half acre, so there is no need for a change in improvement level. The project, as conditioned, is subject to all such requirements, which can be incorporated into the project development for Valley infrastructure level one improvements.

The proposed land use district change will not have a substantial adverse effect on surrounding property, as there is adequate area to comply with development. The proposed project will not have a significant effect on the environment. Mitigation measures have been identified that will reduce the impacts of the project to a level below significance.

On July 8, 2002, it was advertised that a Negative Declaration is proposed for this project.

FINDINGS: TENTATIVE TRACT 16337

The proposed subdivision together with the provisions for its design and improvements is consistent with the San Bernardino County General Plan because the design and improvements conform with the provisions of the Single Family Residential land use district including the location criteria and building density standards. The General Plan Amendment that has been filed concurrently with the Tentative Tract, if approved, will change the land use district to RS with a minimum lot size of 7,200 square feet. This amendment must be adopted by the Board before full compliance with the General Plan can be achieved. The project is consistent with General Plan goals and policies as follows:

LU-2 – which requires the design and siting of new residential development that meets locational and development standards that ensure compatibility with adjacent land use and community character and encourages the fostering of a variety of housing types and densities and more efficient use of the land;

Policy LU-11 – which encourages the promotion of urban infill projects to allow a more efficient use of existing infrastructure and decrease the need for extension of new services.

The site is physically suitable for the proposed type and density of development, as the land is adequate in size, shape and topography to accommodate the proposed land use, setbacks, walls, fences and other requirements.

The proposed subdivision design and improvements are not likely to cause substantial and environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The design of the subdivision and any related type of proposed improvements are not likely to cause serious public health problems or cause threat to life and property from a conflagration, because the design and density proposed are such that hazards from flood, fire, noise and other potential public health hazards are minimized.

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.

The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law. The General Plan Amendment that has been filed concurrently with the Tentative Tract, if approved, will change the land use district to RS with a minimum lot size of 7,200 square feet. This amendment must be adopted by the Board before this project can be considered consistent with the density limitations of the Development Code for this site.

The proposed subdivision is not a land project.

The proposed project will not have a significant effect on the environment. On July 8, 2002, it was advertised that a Negative Declaration is proposed for this project.

RECOMMENDATION: That the Planning Commission **RECOMMEND** that the County Board of Supervisors consider and act on the following:

ADOPT a Negative Declaration;

ADOPT a General Plan Amendment to change the land use district from Multiple Residential 7,000 SF per unit (7M-RM) to Single Residential (RS); and,

APPROVE Tentative Tract Map 16337, to create 24 lots on 5.39 acres, subject to the successful completion of Conditions of Approval; and,

ADOPT the Findings and,

FILE a Notice of Determination.